

PRICE OKAMOTO HIMENO & LUM

WARREN PRICE III 1212

ROBERT A. MARKS 2163

707 Richards Street, Suite 728

Honolulu, Hawaii 96813

Phone: 808.538.1113

Fax: 808.533.0549

E-mail: ram@pohlhawaii.com

Attorneys for Defendants

KIAHUNA GOLF CLUB, LLC,

KG KAUAI DEVELOPMENT, LLC,

PUKALANI GOLF CLUB, LLC,

KG MAUI DEVELOPMENT, LLC,

MILILANI GOLF CLUB, LLC,

QK HOTEL, LLC, OR HOTEL, LLC,

AND KG HOLDINGS, LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD., a

Japanese corporation,

Plaintiff,

vs.

QK HOTEL, LLC, a Hawai'i limited
liability company; KG HOLDINGS, LLC,
a Hawai'i limited liability company and
FRANKLIN K. MUKAI,

Defendants,

and

FRANKLIN K. MUKAI,

CV 04-00124 ACK-BMK

CONSOLIDATED CASES

MOTION FOR PRETRIAL
CONFERENCE AND TO MODIFY
STIPULATED PROTECTIVE
ORDER; DECLARATION OF
ROBERT A. MARKS; EXHIBITS 1 –
4; CERTIFICATE OF SERVICE

Third-Party Plaintiff,

vs.

SPORTS SHINKO (USA) CO., LTD., a Delaware corporation; SPORTS SHINKO (HAWAII) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (MILILANI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (KAUAI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (PUKALANI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO RESORT HOTEL CORPORATION, a Hawai'i corporation; SPORTS SHINKO (WAIKIKI) CORPORATION, a Hawai'i corporation; and OCEAN RESORT HOTEL CORPORATION, a Hawai'i corporation,

Third-Party Defendants,

and

SPORTS SHINKO (HAWAII) CO., LTD., a Hawai'i corporation; SPORTS SHINKO RESORT HOTEL CORPORATION, a Hawai'i corporation; and SPORTS SHINKO (WAIKIKI) CORPORATION, a Hawai'i corporation,

Third-Party Defendants /
Counterclaimants,

vs.

QK HOTEL, LLC, a Hawai'i limited liability company; KG HOLDINGS, LLC, a Hawai'i limited liability company; and FRANKLIN K. MUKAI,

Third-Party Counterclaim
Defendants

SPORTS SHINKO (USA) CO., LTD., a
Delaware corporation,

Plaintiff,

vs.

PUKALANI GOLF CLUB, LLC, a
Hawai'i limited liability company; KG
MAUI DEVELOPMENT, LLC, a
Hawai'i limited liability company; KG
HOLDINGS, LLC, a Hawai'i limited
liability company; and FRANKLIN K.
MUKAI,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a
Japanese corporation; SPORTS SHINKO
(HAWAII) CO., LTD., a Hawai'i
corporation; SPORTS SHINKO
(MILILANI) CO., LTD., a Hawai'i
corporation; SPORTS SHINKO (KAUAI)
CO., LTD, a Hawai'i corporation;
SPORTS SHINKO (PUKALANI) CO.,
LTD., a Hawai'i corporation; SPORTS
SHINKO RESORT HOTEL
CORPORATION, a Hawai'i corporation;

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SPORTS SHINKO (WAIKIKI)
CORPORATION, a Hawai'i corporation;
and OCEAN RESORT HOTEL
CORPORATION, a Hawai'i corporation,

Third-Party Defendants,

and

SPORTS SHINKO CO., LTD., a
Japanese corporation; SPORTS SHINKO
(HAWAII) CO., LTD., a Hawai'i
corporation; and SPORTS SHINKO
(PUKALANI) CO., LTD., a Hawai'i
corporation,

Third-Party Defendants /
Counterclaimants,

vs.

PUKALANI GOLF CLUB, LLC, a
Hawai'i limited liability company; KG
MAUI DEVELOPMENT, LLC, a
Hawai'i limited liability company; KG
HOLDINGS, LLC, a Hawai'i limited
liability company; and FRANKLIN K.
MUKAI,

Third-Party Counterclaim
Defendants.

SPORTS SHINKO (USA) CO., LTD.,
a Delaware corporation,

Plaintiff,

vs.

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KIAHUNA GOLF CLUB, LLC, a
Hawai'i limited liability company; KG
KAUAI DEVELOPMENT, LLC, a
Hawai'i limited liability company;
PUKALANI GOLF CLUB, LLC, a
Hawai'i limited liability company; KG
MAUI DEVELOPMENT, LLC, a
Hawai'i limited liability company;
MILILANI GOLF CLUB, LLC, a
Hawai'i limited liability company; QK
HOTEL, LLC, a Hawai'i limited
liability company, OR HOTEL, LLC, a
Hawai'i limited liability company; KG
HOLDINGS, LLC, a Hawai'i limited
liability company; and FRANKLIN K.
MUKAI,

Defendants,

and

FRANKLIN K. MUKAI

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a
Japanese corporation; SPORTS
SHINKO (HAWAII) CO., LTD., a
Hawai'i corporation; SPORTS
SHINKO (MILILANI) CO., LTD., a
Hawai'i corporation; SPORTS
SHINKO (KAUAI) CO., LTD., a
Hawai'i corporation; SPORTS
SHINKO (PUKALANI) CO., LTD., a
Hawai'i corporation, SPORTS
SHINKO RESORT HOTEL
CORPORATION, a Hawai'i
corporation; SPORTS SHINKO

(WAIKIKI) CORPORATION, a
Hawai'i corporation; and OCEAN
RESORT HOTEL CORPORATION, a
Hawai'i corporation,

Third-Party Defendants,

and

SPORTS SHINKO (HAWAII) CO.,
LTD., a Hawai'i corporation and
SPORTS SHINKO (KAUAI) CO.,
LTD., a Hawai'i corporation,

Third-Party Defendants /
Counterclaimants,

vs.

KIAHUNA GOLF CLUB, LLC, a
Hawaii limited liability company; KG
KAUAI DEVELOPMENT, LLC, a
Hawai'i limited liability company;
PUKALANI GOLF CLUB, LLC, a
Hawai'i limited liability company; KG
MAUI DEVELOPMENT, LLC, a
Hawai'i limited liability company; QK
HOTEL, LLC, a Hawai'i limited
liability company; OR HOTEL, LLC, a
Hawai'i limited liability company; KG
HOLDINGS, LLC, a Hawai'i limited
liability company; and FRANKLIN K.
MUKAI,

Third-Party Counterclaim
Defendants.

SPORTS SHINKO CO., LTD., a
Japanese corporation,

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Plaintiff,

vs.

OR HOTEL, LLC, a Hawai'i limited liability company; KG HOLDINGS, LLC, a Hawai'i limited liability company; and FRANKLIN K. MUKAI,

Defendants,

and

FRANKLIN K. MUKAI

Third-Party Plaintiff,

vs.

SPORTS SHINKO (USA) CO., LTD., a Delaware corporation; SPORTS SHINKO (HAWAII) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (MILILANI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (KAUAI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (PUKALANI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO RESORT HOTEL CORPORATION, a Hawai'i corporation; SPORTS SHINKO (WAIKIKI) CORPORATION, a Hawai'i corporation; and OCEAN RESORT HOTEL CORPORATION, a Hawai'i corporation,

Third-Party Defendants,

and

SPORTS SHINKO (HAWAII) CO., LTD., a Hawai'i corporation; SPORTS SHINKO RESORT HOTEL CORPORATION, a Hawai'i corporation; and SPORTS SHINKO (WAIKIKI) CORPORATION, a Hawai'i corporation,

Third-Party Defendants /
Counterclaimants,

vs.

OR HOTEL, LLC, a Hawai'i limited liability company; KG HOLDINGS, LLC, a Hawai'i limited liability company; and FRANKLIN K. MUKAI,

Third-Party Counterclaim
Defendants.

SPORTS SHINKO (USA) CO., LTD., a
Delaware corporation,

Plaintiff,

vs.

MILILANI GOLF CLUB, LLC, a
Hawai'i limited liability company; KG
HOLDINGS, LLC, a Hawai'i limited
liability company; and FRANKLIN K.
MUKAI,

Defendants,

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and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a
Japanese corporation; SPORTS SHINKO
HAWAII) CO., LTD., a Hawai'i
corporation; SPORTS SHINKO
(MILILANI) CO., LTD., a Hawai'i
corporation; SPORTS SHINKO (KAUAI)
CO., LTD., a Hawai'i corporation;
SPORTS SHINKO (PUKALANI) CO.,
LTD., a Hawai'i corporation; SPORTS
SHINKO RESORT HOTEL
CORPORATION, a Hawai'i corporation;
SPORTS SHINKO (WAIKIKI)
CORPORATION, a Hawai'i corporation;
and OCEAN RESORT HOTEL
CORPORATION, a Hawai'i corporation,

Third-Party Defendants,

and

SPORTS SHINKO (HAWAII) CO.,
LTD., a Hawai'i corporation and
SPORTS SHINKO (MILILANI) CO.,
LTD., a Hawai'i corporation,

Third-Party Defendants /
Counterclaimants,

vs.

MILILANI GOLF CLUB, LLC, a
Hawai'i limited liability company; KG

HOLDINGS, LLC, a Hawai'i limited liability company, and FRANKLIN K. MUKAI,

Third-Party Counterclaim Defendants.

**MOTION FOR PRETRIAL CONFERENCE AND
TO MODIFY STIPULATED PROTECTIVE ORDER**

Defendants KG Holdings, LLC, QK Hotel, LLC, OR Hotel, LLC, Pukalani Golf Club, LLC, KG Maui Development, LLC, Mililani Golf Club, LLC, Kiahuna Golf Club, LLC and KG Kauai Development, LLC hereby move this Honorable Court, pursuant to Rules 7, 16 and 26(c), for a pretrial conference and, if necessary, for the Court to exercise its inherent powers and those granted by the Federal Rules of Civil Procedure to issue an order modifying the Stipulated Protective Order filed herein on January 25, 2005 ("SPO") to take into account a change in the controlling case law of the Ninth Circuit as set forth in Kamakana v. City and County of Honolulu, 447 F.3d 1172 (9th Cir. 2006).

Specifically, the SPO contemplated that documents could be readily filed under seal. Kamakana permits documents to be filed under seal in connection with a dispositive motion only upon a showing of "compelling reasons." In light of the new burden imposed by Kamakana, the SPO should be amended so that the party

asserting a document's confidentiality has the burden of making the showing to justify filing under seal.

In this case, the vast majority of documents designated "confidential" have been so designated by the Sports Shinko parties. The KG parties have expended significant efforts in having the documents that Sports Shinko asserts are confidential appropriately filed. Going forward, KG asserts the party asserting confidentiality of the specific documents should expend such efforts.

This motion is based upon the declaration of counsel and exhibits hereto.

DATED: Honolulu, Hawaii, January 16, 2007.

/s/ Robert A. Marks

WARREN PRICE III

ROBERT A. MARKS

Attorneys for Defendants

KG Holdings, LLC, QK Hotel, LLC, OR
Hotel, LLC, Pukalani Golf Club, LLC, KG
Maui Development, LLC, Mililani Golf
Club, LLC, Kiahuna Golf Club, LLC and
KG Kauai Development, LLC